

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

PHILIP L. TROPEANO,
PETER TROPEANO, and
CAROLYN PATTON,

Plaintiffs,

V.

CHARLENE DORMAN,
 BIANCA DORMAN,
 LYDIA DORMAN,
 TODD DORMAN,
 T&N REALTY TRUST, and
 CAPTAIN PARKER ARMS PARTNERSHIP,

Defendants.

CIVIL ACTION
NO. 03-CV-12231-RGS

JOINT PRE-TRIAL STATMENT

Pursuant to the Court's Pre-Trial Order dated May 10, 2007, the parties provide the following information.

I. STIPULATION OF FACTS AGREED TO BY THE PARTIES

See attached Stipulation.

II. EXHIBITS TO BE INTRODUCED WITHOUT OBJECTION

See attached list.

III. EXHIBITS TO WHICH OPPOSING PARTY MAY OBJECT

See attached list.

IV. LIST OF PROSPECTIVE WITNESSES

A. Plaintiffs may call any or all of the following witnesses to testify at trial:

1. Plaintiff Peter Tropeano.

2. Jean Tropeano, 19 Revere Street, Lexington, MA.
3. Plaintiff Philip L. Tropeano.
4. Plaintiff Carolyn Patten.
5. Sandy Kennedy, Kennedy & Kennedy CPAs, 175 Derby Street, #17, Hingham, MA.
6. Michael W. Keane, CPA, MBA, Keane, Chiuve & Company, P.C., 66 Elm Street, Danvers, MA.
7. Frederick Conroy, Conroy & Associates, 114 Waltham Street, Boston, MA.
8. Malcolm P. McDowell, Noonan & McDowell, 25 Bridge Street, Suite 6, Billerica, MA.
9. Daniel Endyke, Princeton Properties, 1115 Westford Street, Lowell, MA.
10. Andrew M. Chaban, Princeton Properties, 1115 Westford Street, Lowell, MA.
11. Webster A. Collins, MAI, CRE, FRICS, Executive Vice President/Partner, CB Richard Ellis/New England, 111 Huntington Avenue, Boston, MA.
12. Eric T. Reenstierna, MAI, Eric Reenstierna Associates, 24 Thorndike Street, Cambridge, MA.
13. Kevin S. Hastings, P.E., R.W. Sullivan, Inc., The Schrafft Center, 529 Main Street, Suite 203, Boston, MA.
14. Laurence Tropeano, 25 Vinebrook Road, Lexington, MA.
15. Defendant Bianca Dorman. Humphries.
16. Defendant Lydia Dorman Smith.

B. Defendants may call any or all of the following witnesses to testify at trial:

1. Walter H. Pennell, MAI, CRE, Hunneman Appraisal and Consulting Co., 303 Congress Street, Boston, MA.
2. Plaintiff Charlene Dorman.
3. Plaintiff Todd Dorman.
4. Norton S. Remmer, P.E., 18 John Street Place, Worcester, MA.

5. William P. Mitchell, ASA, CFA, Haverford Valuation Associates, Paoli Executive Green, 41 Leopard Road, Suite 305, Paoli, PA.
6. Michael W. Keane, CPA, MBA, Keane, Chiuve & Company, P.C., 66 Elm Street, Danvers, MA.
7. Nicolas P. Schmalz, The Dolben Company, Inc., 25 Corporate Drive, Suite 210, Burlington, MA.
8. Pamela J. Diotalevi, Captain Parker Arms, 7 Captain Parker Arms #1, 125 Worthen Road, Lexington, MA.
9. Al Murphy, The Dolben Company, Inc., 25 Corporate Drive, Suite 210, Burlington, MA.
10. Andrew M. Chaban, Princeton Properties, 1115 Westford Street, Lowell, MA.
11. Laurence Tropeano, 25 Vinebrook Road, Lexington, MA.
12. Plaintiff Philip L. Tropeano.

C. Reservation of right to call witnesses listed by other party.

Each party reserves the right to call any of the witnesses listed by the other party, and such additional, unlisted, witnesses as are necessary to respond to or rebut testimony by listed witnesses, or to impeach or support the credibility of listed witnesses. In addition, the parties may utilize deposition testimony to cross-examine live witnesses to the extent permitted by the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

V. LIST OF DEPOSITIONS TO BE USED AT TRIAL (other than for cross-examination)

A. Plaintiffs may seek to offer into evidence the following deposition testimony:

1. Deposition of Alfred Tropeano, taken on February 26, 1996 in the case of Emily A. Tropeano v. Alfred P. Tropeano, et al., Middlesex Probate Court, No. 94E-0216-G1 (Equity):
Pages 15:4 to 17:19,
33:20 to 35:19,
38:14 to 43:4,
44:13 to 46:20,
48:10 to 49:4,
51:4 to 53:12,

54:24 to 55:9,
56:17 to 59:18,
70:2-18, and
71:19 to 72:13.

Defendants object to the use of such deposition testimony, from another case to which they were not a party, and object to the relevance of such testimony.

2. Deposition of Malcolm McDowell taken herein (only if witness is not available at trial):
Pages 5:5 to 15:14.
3. Deposition of Andrew M. Chaban, CEO of Princeton Properties, taken herein, including his errata dated November 27, 2007 (only if witness is not available at trial).
Pages 11:12 to 12:15,
13:13 to 16:1,
18:13 to 20:5,
21:1 to 22:5,
22:22 to 23:7,
24:17 to 25:5,
25:17 to 29:22,
32:20 to 33:12,
35:15 to 36:24,
38:22 to 40:18,
42:11 to 44:17,
48:6 to 51:10,
56:7-13,
60:12 to 61:16,
62:16 to 63:19,
65:23 to 68:19,
69:17 to 70:14, and
71:17 to 73:21.

The testimony of Mr. Chaban is the subject matter of Defendants' pending Motion in Limine to Exclude Evidence of Subsequent Market Activity, and Opinions of Value Based Upon Such Data.

B. Defendants may seek to offer into evidence the following deposition testimony:

1. Deposition of Plaintiff Philip Tropeano taken herein:
Pages 50:17 to 51:17.

2. Deposition of Plaintiff Peter Tropeano taken herein:
Pages 25:13 to 26:9,
26:16-19
31:13-21,
32:13-22,
34:14-20,
45:3-18,
98:5 to 99:15, and
101:6 to 102:2.
3. Deposition of Andrew M. Chaban, CEO of Princeton Properties, taken herein, including his errata dated November 27, 2007 (only if witness is not available at trial):
Pages 15:16 to 16:21,
23:4 to 24:1,
24:17 to 27:6,
33:20 to 36:24,
46:4 to 51:22,
60:12-16,
63:1-18.

/s/ Thomas M. Ciampa

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Dated: December 10, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system pursuant to Local Rule 5.4 will be sent electronically to all other parties.

_____/s/ Christine M. O'Connor_____